

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION

ANTHONY BALL and LISA BALL,

Plaintiffs,

v.

BANK OF AMERICA, N.A.,

Defendant.

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Case No. 4:12cv500
(Judge Clark/Judge Mazzant)

**ORDER ADOPTING REPORT AND
RECOMMENDATION OF THE UNITED STATES MAGISTRATE JUDGE**

Came on for consideration the report of the United States Magistrate Judge in this action, this matter having been heretofore referred to the United States Magistrate Judge pursuant to 28 U.S.C. § 636. On November 6, 2012, the report of the Magistrate Judge was entered containing proposed findings of fact and recommendations that defendant's Motion for Partial Dismissal of Plaintiffs' First Amended Complaint for Failure to State a Claim [Doc. #11] be granted in part and denied in part. Defendant filed objections on November 20, 2012 [Doc. #15]. Plaintiffs filed a response to defendant's objections on November 26, 2012 [Doc. #16].

The court, having made a *de novo* review of the objections raised by defendant and plaintiffs' response thereto, is of the opinion that the findings and conclusions of the Magistrate Judge are correct, and the objections are without merit. Therefore, the court hereby adopts the findings and conclusions of the Magistrate Judge as the findings and conclusions of this court.

It is, therefore, **ORDERED** that defendant's Motion for Partial Dismissal of Plaintiffs' First Amended Complaint for Failure to State a Claim [Doc. #11] is **GRANTED** in part, and plaintiffs'

DTPA and FCRA claims are **DISMISSED**. The remainder of the motion is **DENIED**.

So **ORDERED** and **SIGNED** this **14** day of **December, 2012**.

A handwritten signature in black ink, appearing to read "Ron Clark", written in a cursive style.

Ron Clark, United States District Judge